

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DAVID ANDRE JOY,)
)
 Petitioner,)
)
v.) 1:17CR382
) 1:19CV780
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on June 8, 2022, was served on the parties in this action. (Docs. 75, 76.) Petitioner objected to the Recommendation. (Doc. 77.)*

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

* Insofar as Petitioner has attempted to raise new claims via the objections, "the court need not consider new arguments raised by a party for the first time in objections to a magistrate[judge]'s recommendation," Bernal v. United States, No. 1:14CR23-2, 2020 WL 6156773, at *2 (M.D.N.C. Oct. 21, 2020) (unpublished); see also Coleman v. Colvin, No. 1:15CV751, 2016 WL 5372817, at *1 (M.D.N.C. Sept. 26, 2016) (unpublished) ("[I]ssues . . . raised for the first time in objections to the magistrate judge's recommendation[] are deemed waived." (quoting Deaver v. Colvin, No. 5:13CV5776, 2014 WL 4639888, at *7 (S.D.W. Va. Sept. 16, 2014) (unpublished))).

IT IS THEREFORE ORDERED that the Section 2255 motion (Doc. 48) is DENIED.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder
United States District Judge

July 12, 2022